



**U.S. Department of Justice**  
Civil Division, Federal Programs Branch

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June 9, 2021

**BY ECF**

The Honorable Jessica S. Allen  
United States Magistrate Judge  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street Room 2B  
Newark, New Jersey 07101

Re: *Kyle-Label v. Selective Service System et al.*, Docket No. 2:15-cv-05193-KSH-JSA  
(D.N.J.)

Dear Judge Allen:

On June 3, 2021, the Government advised the Court of proceedings in the related case *National Coalition for Men ("NCFM"), et al. v. Selective Service System, et al.*, including a pending petition for a writ of certiorari in the Supreme Court. *See NCFM, et al. v. Selective Service System*, No. 20-928 (U.S. Jan 8, 2021); ECF No. 135.

The Government respectfully provides notice that on June 7, 2021, the Supreme Court denied the petition for a writ of certiorari in *NCFM*. *See* 593 U. S. \_\_ (2021), attached as Exhibit A. This left in place the Fifth Circuit's decision upholding the Military Selective Service Act's male-only registration requirement. *See NCFM, et al. v. Selective Service System, et al.*, 969 F.3d 546 (5th Cir. 2020).

In a statement respecting the denial of certiorari, Justice Sotomayor, joined by Justices Breyer and Kavanaugh, noted that the National Commission on Military, National, and Public Service's Final Report recommended eliminating male-only registration, and that the Senate Armed Services Committee had recently held a hearing on the report, "where Chairman Jack Reed expressed his 'hope' that a gender-neutral registration requirement will be 'incorporated into the next national defense bill.'" Ex. A at 2 (citing Tr. of Hearing on Final

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Recommendations and Report of the [Commission] before the Senate Committee on Armed Services, 117th Cong., 1st Sess., 21 (Mar. 11, 2021)). Justice Sotomayor concluded that “at least for now, the Court’s longstanding deference to Congress on matters of national defense and military affairs cautions against granting review while Congress actively weighs the issue.” *Id.* at 3.

Respectfully submitted,

By: /s/ Matthew Skurnik  
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COUNSEL FOR DEFENDANTS